

**Notice of Allowability**

Application No.

09/106,858

Examiner

Con P. Tran

Applicant(s)

WIJNEN ET AL.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09-07-2004.
2. ☒ The allowed claim(s) is/are 23 and 30.
3. ☒ The drawings filed on 30 June 1998 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 01192005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for the examiner's amendment below was given in a telephone interview with the applicant's representative, Mr. Scott Elchert, on January 19, 2005.

2. **In the claims** of Amendment filed on 07/07/2004:

Amended **Claim 30**, line 12, after "20 kHz," - - and - - has been inserted;

Amended **Claim 30**, line 13, before "the original", "wherein" has been deleted;

Amended **Claim 30**, line 14, "generating" has been replaced by - - generation - -, and "a" has been replaced by - - the - -.

### *Reasons for Allowance*

3. **Claims 23 and 30** are allowed which have been re-numbered to as 1-2, respectively.

The following is an examiner's statement of reasons for allowance:

None of the prior art teaches a method for protecting an original audio signal against unauthorized recording thereof by a recorder comprising combining the original audio signal with at least one inaudible disturbance signal for providing a combined signal, the combining being such that the combined signal sounds undisturbed when played and a recording of the combined signal by the recorder is disturbed, as specifically claimed in claim 23, wherein the at least one inaudible disturbance signal includes a high-frequency disturbance signal which is multiplied with the original audio signal, the high-frequency disturbance signal having a frequency of approximately 20 kHz, and the original audio signal comprises a digital signal representation involving a sampling frequency, and wherein the high-frequency disturbance signal has a frequency which varies in time, preferably from approximately half to approximately three quarters of the sampling frequency.

None of the prior art teaches a device for protecting an original audio signal against unauthorized recording thereof by a recorder comprising signal generation means for generating at least one inaudible disturbance signal; combining means for combining the original audio signal and the at least one disturbance signal and for providing a combined signal; and output means for outputting the combined signal such that the combined signal sounds undisturbed when played and recording of the combined signal by the recorder is disturbed, as specifically claimed in claim 30, wherein the signal generation means generates a high-frequency disturbance signal of the at least one inaudible disturbance signal which is multiplied with the original audio

signal, the high-frequency disturbance signal having a frequency of approximately 20 kHz, and the original audio signal comprises a digital signal representation involving a sampling frequency, and wherein the signal generation means generates the high-frequency disturbance signal having a frequency which varies in time, preferably from approximately half to approximately three quarters of the sampling frequency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran whose telephone number is (703) 305-2341. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2644

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CPT CPJ  
January 19, 2005

  
**XU MEI**  
**PRIMARY EXAMINER**